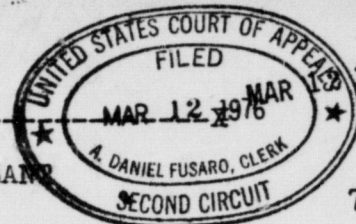


***United States Court of Appeals
for the Second Circuit***



REPLY BRIEF

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT



B
1976

MABEL DYSON BURKE

APPELLANT

-against-

SECOND CIRCUIT

75-6141

SUPREME COURT, CRIMINAL COURT, CIVIL COURT, SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF CORRECTIONAL SERVICES, POLICE DEPARTMENT, DISTRICT ATTORNEY'S OFFICE, HOUSING DEVELOPMENT ADMINISTRATION, ATTORNEY GENERAL'S OFFICE, MAURICE NADJARI, PAUL J. REGAN, JOHN J. WALSH, JAWN SANDIFER, JAMES MORRIS, MURRAY J. DIMMOND, MICHAEL CODD, MICHAEL GOLDSCHMID, DAVID LEWIS, RICHARD KUH, EARDELL RASHFORD, SHYLEUR BARRACK, EDWARD THOMPSON, JAMES CARDWELL, JOSEPH KELLY, WALLACE RICE, WILLIAM KASHEL, SANDRA PAGE, MARVIN PENSTEIN, ROBERT OSSO, ALBERT D'ANTONI, ZURICH INSURANCE COMPANY, NATIONAL BEN FRANKLIN INSURANCE COMPANY, ST. LUKE'S HOSPITAL CENTER, COLUMBIA-PRESBYTERIAN HOSPITAL, DR. HAROLD BRANDELEONE, DR. IRVING ETKIND, DR. PETER GODSICK, ROBERT CHRISTMAS, SYDENHAM HOSPITAL, UNITED STATES POST OFFICE, WILLIAM BOLGER, CRIMINAL COURT-SUMMONS PART 1 & 2, ROBERT MITCHELL.

"SUPPLEMENT SUPPLY TO
"REPLY TO BRIEF"

TO: LOUIS
J. LEFKOWITZ
ATTORNEY
GENERAL OF
THE STATE
OF NEW YORK

APPEELES

-X

FIRST IS THE ENCLOSED LETTER FROM THE DIRECTOR OF INSTITUTIONAL PAROLE SERVICES, MR. CHARLES F. LaPOLT IN MY TELEPHONE CONVERSATION TO HIM THAT MY SON WAS VERY DEPRESSED BECAUSE HE NOT ONLY HAS BEEN DENIED A FURLOUGH BUT PLUS A PAROLE AND A WHOLE YEAR ADDED TO HIS IMPRISONMENT AND THE LETTER IS SELF EXPLANATORY.

To know
I WOULD LIKE ATTORNEY GENERAL LEFKOWITZ AND THE UNITED STATES COURT OF APPEALS OF A PROGRAM ON THE RADIO CALLED "SUNDAY NIGHT CLOSEUP" THAT WAS HEARD BY MY SISTER ON MARCH 7th, 1976, THIS PAST SUNDAY (WNEW) NIGHT AT 10:p.m. TO 11:00 p.m., AND SHE CALLED ME BECAUSE I WAS ASLEEP AND I HEARD SOME OF IT AND IT WAS IN REGARD TO A FORMER INMATE OF GREEN HAVEN CORRECTIONAL INSTITUTIONAL FACILITY AND THE COMMENTATOR WAS JIM GORDON AND THE EX-PRISONER WAS A MR. MARTIN SOSTRE THAT HAD BEEN HELD IN SOLITARY CONFINEMENT FOR FOUR YEARS FOR BRINGING A LAWSUIT AGAINST THE DEPARTMENT OF CORRECTIONAL SERVICES FOR VIOLATING HIS CONSTITUTIONAL RIGHTS. HE WAS DENIED PAROLE, ALL PRISON PRIVILEGES TAKEN AWAY FROM HIM, THE PRISON DENIED A PRIEST TO TESTIFY IN HIS BEHALF AND GUARDS ~~HE~~ THAT WANTED TO ALSO HELP HIM WERE TOLD TO KEEP QUIET OR NOT TESTIFY OR THEY WOULD LOSE THEIR JOBS, I DID NOT HEAR ALL OF THE PROGRAM BUT MY SISTER TOLD ME AS MUCH AS SHE COULD REMEMBER AND ANYWAY HIS PAPERS WAS, SORRY
Judge
I DO NOT KNOW THE LEGAL WORD TO USE SO I WILL SAY HANDLED BY THE HON. CONSTANCE MOTIE, A FEDERAL COURT JUDGE WHICH MOST ALL BLACKS HAVE HEARD OF AND IF THE COURT WANT TO KNOW MORE ABOUT THE CASE HER HONOR HAD MR. SOSTRE RELEASED.

MAY I STATE ALSO TO ATTORNEY LEFKOWITZ THAT THE ENCLOSED LETTER FROM MY SON SHOW HIM IN THE SAME STATE THAT HE IS IN NOW, BECAUSE MY SON CALLED ME FROM CLINTON CORRECTIONAL FACILITY ON SATURDAY, MARCH 6th, 1976 ASKING ME TO WRITE TO COMMISSIONER BENJAMIN WARD IN REGARD TO HIS SEVERE PUNISHMENT BY THE PRISON AND I BELIEVE HIS

LIFE IS IN DANGER BECAUSE OF MY LAWSUIT.

MY NEXT STATEMENT IS IN REGARD TO MR. LaPOLT STATEMENT AND I QUOTE, "THE FACT THAT YOUR SON MADE A POOR ADJUSTMENT WHILE UNDER PAROLE SUPERVISION AND WAS ALSO ARRESTED ON ANOTHER CHARGE.", UNQUOTE, MY SON WAS RELEASED ON PAROLE FROM GREEN HAVEN IN FEBRUARY, 1974. THE PAROLE BOARD VIOLATED HIS RIGHTS BY NOT ARRANGING FOR HIM A PLACE TO LIVE ON HIS RELEASE, HE HAD NO MONEY TO LIVE ON AND ONLY THE CLOTHES ON HIS BACK. I HAD TO CALL, WRITE AND THEN GO DOWN TO 314 W. 40th STREET AND SPEAK TO HIS PAROLE OFFICER, MR. MICHAEL GOLDSCHMID, WHICH WAS A WASTE OF TIME AND THEN WENT TO SEE AND ALSO WROTE MR. GOLDSCHMID'S SUPERVISOR, MR. JAMES MORRIS AND AT LAST IN THE MIDDLE OF MARCH, 1974 HE WAS PUT IN A ROOMING HOUSE THAT HAD NOTHING IN IT BUT A BED AND DRESSER, I HAD TO BUY HIM SHEETS, BLANKETS, FOOD, CLOTHES BECAUSE HE HAD TO WAIT UNTIL HE GOT A WELFARE CHECK, PLUS THE ROOMING HOUSE~~MAN~~ OWNER THREATEN TO EVICT HIM BECAUSE THE WELFARE TOOK SO LONG TO SEND MONEY ~~FOR~~RENT AND FOOD STAMPS, THEY DO NOT BUY CLOTHES. I HAD TO BORROW MONEY FROM MY SISTER. THE PAROLE BOARD WAS RESPONSIBLE FOR HIS HOUSING, MONEY FOR FOOD AND MONEY TO LOOK FOR A JOB, AND AS I HAVE SAID OVER AND OVER AGAIN, MY SON CANNOT COPE UNDER STRESS, PLUS HE WAS PICKED UP OFF THE STREETS BY THE POLICE DEPT., MARCH, MAY AND JUNE OF 1974 HE WAS COMMITTING NO CRIMES AND MR. GOLDSCHMID HARASSED HIM BY EXPECTING HIM TO HAVE A JOB IN FIVE WEEKS AFTER HIS RELEASE AND EVEN CALLED ME. MY SON HAD NO EXPERIENCE AND AN EX-PRISONER AND HE BECAME VERY NERVOUS. THE FIRST TWO CASES WERE DISMISSED, I GO INTO DETAIL OF THE NEXT TWO CASES IN AFFIDAVITS FILED IN THE U. S. DISTRICT COURT, DATED MAY 5, 1975 AND OCT. 14, 1975 AND THE REASON HE WAS DECLARED DELINQUENT IN HIS VISITS TO HIS PAROLE OFFICER MR. GOLDSCHMID, BECAUSE HE TOLD HIM HE WOULD PUT HIM ON PAROLE VIOLATION IF HE WAS ARRESTED AGAIN AND HE HAD ALREADY BEEN ARRESTED TWICE. ON THE THRID AND FOURTH TIMES ARRESTED ALL MEN WERE RELEASED BUT MY SON AND HIS RIGHTS WERE VIOLATED BY THE DISTRICT ATTORNEY'S OFFICE AND PROCEDURES OF THE COURTS WHICH I TRIED TO GET HELP FROM JUDGE JAWN SANDIFER SINCE HE WAS THE DEPUTY DMINISTRATIVE OF THE CRIMINAL AND SUPREME COURTS BUT HE IGNORED MY LETTERS AND THE FOURTH ARREST, HE WAS ARRESTED IN WHAT THE POLICE CALLED A SWEEP AND I QUOTE FROM THE FOURTH AMENDMENT, "POLICE CANNOT SEARCH A PERSON OR A CAR OR A HOUSE UNLESS THERE IS PROABLE CAUSE TO BELIEVE THAT A FELONY HAS BEEN COMMITTED OR IS ABOUT TO BE COMMITTED. THE FRUITS OF AN ILLEGAL SEARCH AND SEIZURE CAN'T BE USED TO CONVICT A DEFENDANT", BUT MY SON ISⁱⁿ PRISON BECAUSE OF THIS SWEEP THAT INVOLVED ABOUT SIX OR SEVEN OTHER MEN AND THEY WERE ALL RELEASED BUT HIM? HE IS DEPRESSED NOW AND WHEN HE CANNOT COPE, I AM AFRAID THAT HE WILL BE HARASSED AND HE HAS ALWAYS TOLD ME THAT IF THE PRIOSN WRITE ME AND SAY HE DIED BY AN ACCIDENT, IN A FIGHT OR BY SUICIDE THAT NOT TO BELIEVE THEM AND THAT HE WAS MURDERED AND THIS IS WHAT

unquote

KEEP ME SO UPSET, BECAUSE HE HAS WRITTEN ME AND ALSO HIS GIRL-FRIEND AND NEITHER ONE OF US HAS RECIEVED HIS LETTERS WHICH IS NOW OVER ^{TWO} ~~TWO~~ WEEKS AND HIS LEFT ARM ~~IS~~ IS OF LITTLE USE TO HIM BECAUSE WHEN HE WAS SHOT IN BACK IN MAY, 1975 THE BULLET LODGE IN SHOULDER AND DID A LOT OF DAMAGE TO NERVE IN LEFT ARM AND IT HAS LEFT ARM AND HAND WITHOUT USE OF HIS MUSCLE, SO IF HE IS ATTACKED HE CANNOT PROTECT HIMSELF AND I HOPE THE UNITED STATES COURT OF APPEALS WILL HELP ME AND MY SON AND REVIEW HIS CASES AND ~~REXX~~ AND PLEASE BE PATIENT WITH MY WORDING BECAUSE I DO NOT KNOW LEGAL TERMS AND EXPLAIN THE BEST WAY I KNOW HOW. - Total of 5 Sheets-

Nabil Wyson Burke

SWORN BEFORE ME THIS

11th DAY OF MARCH 1976.

NOTARY PUBLIC

Christina C. Gregg

CHRISTINA C. GREGG
Notary Public, State of New York
No. 6661000
Qualified in Westchester County
Certs. filed with N. Y. Co. Clk. & Reg.
Commission Expires March 30, 1976

COPY TO: LOUIS J. LEFKOWITZ, ATTORNEY
GENERAL OF THE STATE OF NEW YORK.



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE STATE OFFICE BUILDING CAMPUS
ALBANY, N.Y. 12226

BENJAMIN WARD
COMMISSIONER

March 3, 1976

Mrs. Mabel Burke
226 West 122nd Street
New York, New York

Re: Reginald Burke
Clinton 75 A 3601

Dear Mrs. Burke:

This is in reply to our recent telephone conversation relative to your son being held by the Board of Parole at his recent appearance.

The fact that your son made a poor adjustment while under parole supervision and was again arrested on another charge, which also involved the use of a weapon, could have provided some reasons for denying him release at this time.

Your son has been given credit for the time served on his prior sentence and now has a conditional release date of April 29, 1977 and a maximum release date of April 29, 1978.

If you have any further questions regarding this matter, please advise me.

Sincerely yours,

Charles J. Huber

Director of Institutional
Parole Services

CLP:kk

Name MRS. MURPHY
Street & No. 226 West 122 St
City New York, State N.Y. 10027
[ZIP CODE]

When Replying Sign Your Full Name And Address
Give Innates Full Name And Number
DRAWER 9
STORMVILLE, N. Y. 12582

Date 12/10/73

DEAR MA,

I am writing this letter to let you know that I am in trouble. Since I have been back from my fortnight, I have been repeatedly locked in my cell for unnecessary charges.

On the night of December 9th, I had a fight with an inmate whose name is, MORSE #18344. This fight was started on his part. During the fighting, he hit me in the head with a stool, and now he is in the hospital with a broken leg and a fracture jaw. I was bitten in the left shoulder and went to the doctor to get a shot. There is a possibility that he will press charges against me, and I'm going to do the same if he does.

I want you to come up here fast as you can because I do not know what may happen to me. Do not, I repeat do not wait up here, come in person. This night means my life, MA, SO COME.

Reginald Bucke
18360

D-3-304

Love
Tony

